

REMARKS

Claims 24-47 are active in the case. Reconsideration is respectfully requested.

The present invention relates to a polymer for matte injection molded articles.

Claim Objection and Amendments

Claim 30 has now been amended to recite that the (meth)acrylate (co)polymers of components d), f) and g) have a Vicat softening point (ISO 306-B50) of at least 104° C. The amendment made to the three indicated (meth)acrylate (co)polymer components thus places the (co)polymers of the indicated components within the scope of the (meth)acrylate (co)polymer component within the scope of Claim 24. The objection of Claims 31-38 and 40 is believed obviated, and withdrawal of the same is respectfully requested.

Prior Art Rejection

Applicants retain their positions as stated with respect to the grounds of rejection raised in paragraphs 5 to 11 of the outstanding Office Action.

The Examiner further states on page 7 of the Office Action that she construes the phrase “consisting essentially of” as equivalent to “comprising.” Applicants contend to the contrary that these two phrases can not be understood as equivalent. The phrase “consisting essentially of” limits present Claim 24 to a polymer mixture in which the polymer matrix is one of the four materials (i) to (iv) set forth in the claim. On the other hand, the polymer mixture disclosed in Kress et al., as stated in the very beginning of the patent, is a thermoplastic polycarbonate! This can not, on the other hand, be stated with respect to the polymer mixture of the present invention. There is no polycarbonate component in the present polymer mixture, while the polymer mixture of the reference is based on a thermoplastic polycarbonate. One of skill in the art would in no way be led to the three

components a) to c) of the Kress et al disclosure which in its components (A) to (C) clearly leads one of skill in the art to modified polycarbonate materials. Accordingly, applicants maintain that the invention as claimed is distinguished over the Kress et al reference.

Obviousness-type Double Patenting

Claims 24-26, 28-31, 22-40 and 42 stand provisionally rejected based on the judicially created doctrine of obviousness-type double patenting over Claims 1-3 and 6-12 of copending application Serial No. 11/813,946 in view of Lichtenstein et al, U. S. Patent 5,621,028. This ground of rejection is respectfully traversed.

The polymer mixture that is claimed in the copending case is formulated of three different (meth)acrylate copolymers and a cross-linked poly(meth)acrylate. The first (meth)acrylate copolymer is formed by the copolymerization of methyl methacrylate, styrene and maleic anhydride and has a solution viscosity (CHCl_3) at 25° C of $\leq 55 \text{ ml/g}$. The second (meth)acrylate copolymer is stated as having a solution viscosity (CHCl_3) at 25° C of $\geq 65 \text{ ml/g}$. The third relatively high molecular weight (meth)acrylate copolymer is stated as having a solution viscosity (CHCl_3) at 25° C ranging from 50 to 55 ml/g. The present claims, however, do not claim a (meth)acrylate polymer material formed from a mixture of (meth)acrylate copolymers having the stated viscosity characteristics. Moreover, the present claims require the presence of an impact modifier and plastic particles. These limitations are not a part of the presently claimed invention.

The Lichtenstein et al patent is cited for its disclosure of the incorporation of plastic particles into a polymer matrix comprised of at least 80 % of units of methyl methacrylate. In particular, the patent discloses particles of crosslinked polystyrene as preferred. However, because of the substantial differences between the relatively simple homo- or co-polymer of methyl methacrylate disclosed in the patent, it is clear that even if one of skill was led to

combine the teachings of Kress et al with Lichtenstein et al, one would not arrive at the present composition as claimed that is based on one of the four components and the impact modifier of the polymer mixture of Claim 24. Accordingly, the combined references fail to suggest the polymer composition as claimed in Claim 24, and withdrawal of the outstanding obviousness-type double patenting rejection is respectfully requested.

It is believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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